THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23088 OF 2005

DATED:27.10.2005

Between:

Banothu Harichandra Naik

…Petitioner

And

The District Level Committee, rep.by its

Chairman, Khammam District and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23088 OF 2005

ORDER:

The petitioner was successful bidder in the auction conducted to lease out right to quarry sand in Godavari Sand Reach in Bhadrachalam, in Khammam District. By proceedings dt.29.9.2005 the lease was granted from 1.10.2005 to 30.9.2006 as the petitioner quoted a sum of Rs.17,65,000/-. It appears, when there was deposit of sand in Block No.2 in S.No.16 the first respondent auctioned the sand and third respondent herein became highest bidder quoting Rs.46,000/-. He was required to remove the sand within two months. As he could not remove within two months, he approached the first respondent for extension of time by three months. Apprehending that if such extension is granted to third respondent he might encroach upon the river reach leased out to the petitioner, present Writ Petition is filed seeking a direction to respondents 1 and 2 not to grant extension to third

respondent.

Even according to the petitioner, the third respondent was given right to remove 1296 cubic meters of sand in block No.2 of S.No.16. If there is any likelihood of third respondent removing sand than what is permitted, it is always open to the petitioner to bring it to the notice of the appropriate authority. Merely on an allegation that the third respondent removed the sand from the reach leased out to the petitioner, the petitioner cannot prevent the first respondent from exercising its powers under Rule 9-B(2)(b) of the A.P. Minor Mineral Concession Rules, 1966. The petitioner has no right to restrain statutory authority from exercising its power.

The Writ Petition is misconceived and is accordingly dismissed.

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(V.V.S.RAO, J)

27.10.2005

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